

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JA'MARRIANNA OLIVIA
TAYLOR, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ALFONSO DUPREE TAYLOR,

Respondent-Appellant,

and

STACI LYNN TAYLOR,

Respondent.

In the Matter of JA'MARRIANNA OLIVIA
TAYLOR, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STACI LYNN TAYLOR,

Respondent-Appellant,

and

ALFONSO DUPREE TAYLOR,

Respondent.

UNPUBLISHED

February 9, 2010

No. 293778

Saginaw Circuit Court

Family Division

LC No. 07-031341-NA

No. 293801

Saginaw Circuit Court

Family Division

LC No. 07-031341-NA

Before: Beckering, P.J., and Markey and Borrello, JJ.

PER CURIAM.

In these consolidated appeals, respondent-father appeals as of right the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (i), (j), and (l). Respondent-mother appeals as of right the trial court's order terminating her parental rights pursuant to MCL 712A.19b(3)(b)(ii), (i), (j), and (l). We affirm.

On appeal, respondents do not challenge the existence of at least one statutory ground for terminating their parental rights. Rather, they argue that termination of their parental rights was not in the child's best interests. We disagree.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999).

The trial court did not clearly err in its best interests determination because it is in the child's best interests to be protected from risk of harm. Given respondents' failure to explain the non-accidental injury sustained by their infant son, which was the basis for respondent-father's April 2009 criminal conviction of first-degree child abuse, the child would be at risk of harm if placed in respondents' care. Moreover, it is in the child's best interests to be in a stable home with caregivers committed to her well-being. There is no indication in the record that the child will have the assurance of safety and stability that she needs with either respondent. Respondents have a history of sporadic participation in counseling, lack of progress in parenting skills, and the continued minimization of the son's injury, which ultimately led to a prior termination of their parental rights.

Respondent-mother demonstrated the inability to put her children before herself by maintaining her marriage to respondent-father despite his criminal conviction and the restrictions of his probation that prevent him from caring for a young child. Likewise, given their histories, respondents' lack of commitment to the services provided in their prior case less than one year earlier and their failure to independently seek services during respondent-mother's pregnancy with the child in anticipation of her birth demonstrates their lack of commitment to proper parenting.

Respondent-mother argues that the trial court erred in not giving her credit for the recent progress she made following the child's removal as she never missed a counseling appointment, was actively participating in therapy, and maintained an appropriate home. Respondent-mother's argument demonstrates her lack of understanding of the severity of the situation involving the infant son's fractured femur. Respondent-mother's recent attendance in therapy and the suitability of her home are necessary, but not sufficient by themselves, for her to be able to properly provide for her child. They alone are not indicative of her ability to safely parent and are not more important than her willingness to protect her children by explaining the son's injuries or ending her relationship with respondent-father. Respondent-mother's active participation in therapy and suitable housing do not undermine the trial court's best interests finding.

Furthermore, although respondent-father argues that there has been no demonstration of impropriety particular to the child, a parent's treatment of one child is probative of his proclivity to abuse other children. *In re Parshall*, 159 Mich App 683, 689; 406 NW2d 913 (1987); *In re Youmans*, 156 Mich App 679, 689; 401 NW2d 905 (1986); see *In re Dittrick Infant*, 80 Mich App 219, 222; 263 NW2d 37 (1977); *In re LaFlure*, 48 Mich App 377, 392; 210 NW2d 482 (1973). Given the history of abuse, respondents' failure to explain the infant son's non-accidental injury and protect their children, the trial court did not err in its best interests determination.

Affirmed.

/s/ Jane M. Beckering

/s/ Jane E. Markey

/s/ Stephen L. Borrello